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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,926	06/12/2000	Carol a. Lavelle	P4433	3688

7590 12/18/2003

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EXAMINER
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YANCHUS III, PAUL B

ART UNIT	PAPER NUMBER
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2116

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DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/591,926

Applicant(s)

LAVELLE ET AL.

Examiner

Paul B Yanchus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-22 and 24-29 is/are rejected.
- 7) ☒ Claim(s) 9 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This non-final rejection is in response to communications filed on 9/22/03.

#### ***Allowable Subject Matter***

Claims 9 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-8, 10-11, 14-15, 24-26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ottesen et al., US Patent no. 5,787,292.

Regarding claims 1, 7 and 24, Ottesen et al. teaches a method for managing power consumed by a computer system, comprising:

directing access intended for a device [disk storage device] coupled to said computer system to an alternate memory [temporary holding memory] in said computer system when said device is powered off during a power management state [low power operational mode] of said computer system [columns 19 and 20].

Ottesen et al. teaches storing data, intended to be written to a disk drive, in a temporary holding memory when the disk drive is in a low power mode [columns 19 and 20].

Regarding claims 2, 8 and 10, Ottesen et al. teaches performing the process of saving data to a disk drive [columns 19 and 20].

Regarding claims 3 and 4, Ottesen et al. maps data, intended for the disk drive, into a temporary holding memory [columns 19 and 20].

Regarding claim 6, Ottesen et al. teaches that that the temporary holding memory could be in RAM [column 7, lines 27-31].

Regarding claim 11, Ottesen et al. teaches detecting an idle state of the computer system and removing power from the device in response to the detection [column6, lines 58-67].

Regarding claims 14 and 15, Ottesen et al. teaches updating the device and mapping data access back to the device after power is restored to the device [columns 19 and 20].

Regarding claims 25, 26 and 29, Ottesen et al. teaches a method for managing power consumed by a computer system, as described above. Therefore, also teaches a system and instruction set for carrying out the method.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 12-13, 16-22 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottesen et al., US Patent no. 5,787,292.

Regarding claims 6, 16, 20-22 and 27-28, Ottesen et al. teaches a method of power management, as described above, but does not explicitly teach that the device comprises a framebuffer. However, devices with framebuffers are well known in the art and it would have been obvious to one of ordinary skill in the art incorporate the teachings of teachings of Ottesen et al. into a device with a framebuffer to further save power in a computer system.

Regarding claims 12 and 13, Ottesen et al. teaches a method of power management, as described above, but does not explicitly teach determining whether there has been keyboard or mouse activities for a predetermined time before changing power modes. However, changing power modes based on mouse or keyboard activity is well known in the art and it would have been obvious to one of ordinary skill in the art to do so.

Regarding claims 17-19, Ottesen et al. teaches a method of power management, as described above, but does not explicitly teach directing access intended for a device of another computer in a network to an alternate memory space when the device is turned off, in order to avoid loss of data intended for the device. However, a second computer controlling devices on a first computer through a network is well known in the art and it would have been obvious to one of ordinary skill in the art to perform the teachings of Ottesen et al. on a device from another computer in a network.

***Response to Arguments***

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Applicant's arguments with respect to claims 1-8, 10-22 and 24-29 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul B Yanchus whose telephone number is (703) 305-8022. The examiner can normally be reached on Mon-Thurs 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Paul Yanchus  
December 11, 2003



THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100